United States
ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

SUPERFUND PROPERTY REUSE EVALUATION CHECKLIST FOR REPORTING THE SITEWIDE READY-FOR-ANTICIPATED USE GPRA MEASURE

Office of Superfund Remediation & Technology Innovation and Federal Facilities Restoration & Reuse Office

PART A – GENERAL SITE INFORMATION

1. Site Name Douglas Road/Uniroyal, Inc., Landfill	2. EPA ID IND980607881
3. Site ID 0501696	3. RPM Dion Novak

5. Street Address NW Intersection of Douglas Road and Grape Road

6. City Mishwaka	7. State Indiana	8. Zip Code 46544

9. Site Wide Ready-for-Reuse Determination Requirements (all must be met for the entire construction complete site)

- All cleanup goals in the Record(s) of Decision or other remedy decision document(s) have been achieved for any media that may affect current and reasonably anticipated future land uses, so that there are no unacceptable risks.
- All institutional or other controls required in the Record(s) of Decision or other remedy decision document(s) have been put in place.

Institutional Control Name	Date Implemented	Type of Control	Total Acres
Environmental Restrictive Covenant	12/21/~~2011~~ //	Restrictive Covenant	16
St. Joseph County Drinking Water Access Ordinance	~~03/2009~~ 4/13/05	County Ordinance	44

PART B – SIGNATURE (Branch Chief or above should sign)

NOTE: The outcome of this Property Reuse Evaluation does not have any legally binding effect and does not expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits of any party. EPA assumes no responsibility for reuse activities and/or any potential harm that might result from reuse activities. EPA retains any and all rights and authorities it has, including but not limited to legal, equitable, or administrative rights. EPA specifically retains any and all rights and authorities it has to conduct, direct, oversee, and/or require environmental response actions in connection with the site, including but not limited to instances when new or additional information has been discovered regarding the contamination or conditions at the site that indicates that the response and/or the conditions at the site are no longer protective of human health or the environment.

10. Name **Thomas R. Short, Jr.**	11. Title/Organization **Chief, Remedial Response Branch #2** **Superfund Division, Region 5**
12. Signature	13. Date 9/24/12

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD

MEMORANDUM

Subject: Recommendation to Sign the Site-wide Ready for Anticipated Use Determination for the Douglas Road Landfill Site, Mishawaka, Indiana

From: Dion Novak, RPM for
Robert Guenther, ORC Attorney

To: Thomas R. Short Jr., Chief
Remedial Response Branch #2

The Douglas Road Landfill Site (Site), Mishawaka, Indiana, achieved construction completion on September 19, 2000, based on the remedies selected in the Record of Decisions (ROD) of July 1995 and May 1996. All cleanup goals for the Site have been achieved for media that may affect current and reasonably anticipated future land uses and all institutional controls identified in the remedy decisions are in place.

Selected Remedies for Site

Operable Unit 1 (OU-1)

The remedial objective for OU-1 is to remediate on-site source areas that are contributing to contamination of both soils and groundwater. The remedy is construction of a composite barrier cap with a geosynthetic clay liner soil barrier layer over the landfill.

Operable Unit 2 (OU-2)

The remedial objective for OU-2 is to remediate contaminated groundwater, both on-site and off-site. The remedy is construction of an on-site wetland, re-infiltration of treated groundwater to the wetland and discharge of any overflow to a filter strip with potential discharge to Juday Creek in compliance with Clean Water Act NPDES requirements.

The cleanup goals for soil and groundwater allow for and were based on:

__unlimited use unrestricted exposure
X_residential use (residential wells)
__commercial
__industrial use
__recreational
X_containment
__other (explain)

We have reviewed and evaluated institutional controls (ICs) for OU-1, as described in the applicable ROD, and for OU-2, as described in the Explanation of Significant Differences (ESD) dated September 14, 2012, and all required ICs are in place and effective (See footnote 1).

Existing Institutional Controls for the Restricted Areas

Media, Engineered Controls, & Areas That Do Not Support Unlimited Use/Unrestricted Exposure (UU/UE) Based on Current Conditions	**IC Objectives in Decision Documents**	**Title of Institutional Control Instrument Implemented**
Site property – Uniroyal parcels – east half	Limit use of site for construction or other site development, prohibit use of groundwater beneath the site for any purpose, and protect remedy components	Environmental Restrictive Covenant recorded in St. Joseph County by the State of Indiana on December 21, 2011
Off-site downgradient contaminated plume from landfill exceeds cleanup standards	Prohibit use of contaminated groundwater in off-site downgradient area	St. Joseph County drinking water access ordinance enacted on April 12, 2005 with a requirement for a permit prior to any water well drilling, and subsequent designation of plume area as in "administrative control area" based on groundwater contamination

The Third Five-Year Review Site inspection and data indicated no inappropriate land or groundwater use. U.S. EPA is not aware of Site or media uses which are inconsistent with the stated objectives of the ICs and cleanup goals. Site access continues to be restricted with fencing and appropriate signage.

The Third Five-Year Review, signed on August 20, 2012, found that the remedy was protective of human health and the environment.

Transfer of the Site operation and maintenance (O&M) activities from U.S. EPA to the State was formally completed on November 11, 2011, pursuant to the OU-2 State Superfund Contract, although the State assumed early operation of O&M on July 1, 2011.

The ROD for OU-1 required ICs to limit use of the site for construction or other site development, prohibit use of groundwater beneath the site for any purpose and protect the remedy components. To implement these IC objectives, on December 21, 2011, the State of Indiana recorded an Environmental Restrictive Covenant prohibiting the use of groundwater at the Site for any purpose, excavation or construction activities unless approved by U.S. EPA, residential use and growing food crops at the Site.

U.S. EPA selected an IC for OU-2 by an ESD, dated September 14, 2012, to prohibit any use of groundwater within the off-site downgradient area, as delineated on Figure 1 attached to this memorandum, where trichloroethylene and arsenic exceed MCLs.

St. Joseph County has enacted an ordinance governing the drilling of drinking water wells in the county. The ordinance requires that any new well in the county receive a permit from the Health Department, which would evaluate it for approval based on the ordinance. The purpose of the ordinance, which was enacted on April 12, 2005, is by its own terms to establish requirements for the installation, use and abandonment of water wells in the county to protect public health, safety, welfare and property. The ordinance also allows the County Health Officer to designate specific geographic areas as "administrative control areas" in areas of known or suspected groundwater contamination and for which the Health Officer may establish restrictions on the installation and use of groundwater wells to protect public health and safety. Figure 1, attached to this memorandum, shows the designated administrative control area around the Site. This administrative control area is inspected on a regular basis for compliance and to ensure that no one is potentially coming into contact with the contaminated groundwater. Recent conversations with county personnel indicate that their ongoing objective is to completely eliminate any access to the aquifer in areas of contamination.

Consequently, U.S. EPA believes the existing ordinance provides sufficient protection for the off-site plume area and effectively prohibits contact with potentially contaminated groundwater associated with the Site until the conclusion of the remedy.

Long-term protectiveness of the remedial actions will continue to be verified through groundwater and cap monitoring. Additionally, long-term protectiveness of the remedies requires compliance with effective and enforceable ICs and long term stewardship by maintaining, monitoring and enforcing those ICs, as well as maintaining the Site remedy components.

We have also reviewed the current Human Exposure Environmental Indicator and have determined that the Site is classified as "Current Human Exposure is Controlled and Protective Remedy in Place." This determination is consistent with this Site-wide Ready for Anticipated Use Determination.

Based on the above information and all documents reviewed for this Site, we find that the Site meets the following requirements:

- All cleanup goals in the RODs have been achieved for any media that may affect current and reasonably anticipated future land uses, so that there are no unacceptable risks.

- All institutional or other controls required in the RODs and ESD or identified as part of the response action to help ensure long-term protection are in place.

Based on the information presented below, we recommend that you sign the attached Site-wide Ready for Anticipated Use Determination Checklist.

U.S. EPA reserves the right to alter this finding if in the future anything were to change the protectiveness of the remedy or situation at the Site.

Cleanup Goals	Prevent contact with contaminated soils and waste materials by construction of landfill cap and prevent exposure to contaminated groundwater above MCLs by pumping and treating in an artificial wetland
Construction Complete Date	September 19, 2000
Five Year Review Date	August 20, 2012
Human Exposure Environmental Indicator	Current Human Exposure is Controlled and Protective Remedy in Place
NPL Deletion Date	June 30, 2016 (anticipated)
Existing Land Use for Entire Site /Status of Use Last Inspection Date:	Residential March 15, 2012
Anticipated Future Land Use	Residential
Media, Remedy Components, & Areas that do not support UU/UE Based on Current Conditions	Soil, groundwater on-site Groundwater downgradient of Site
Acres associated with institutional control	Environmental Restrictive Covenant - 16 St. Joseph County Ordinance - 44
Total property acres (with ICs)	60
Title of Institutional Control Instrument	Environmental Restrictive Covenant St. Joseph County Ordinance
IC Implementation Date	December 21, 2011; April 12, 2005
Documents Reviewed for SWRAU Determination	Third Five-Year Review (August 20, 2012) Records of Decision (OU-1 and OU-2) Explanation of Significant Differences (OU-2)
ICTS Booklet (attach)	See Attached

Footnote 1:

In order for ICs to be considered "in place and effective", the following must be met (check all that apply):

_x_ the ICs cover all physical areas that do not support unlimited use/unrestricted exposure (UU/UE) and the ICs' physical description of the non-UU/UE areas are accurate based on current conditions for the entire site (e.g., groundwater ordinance covers the entire plume area; legal description of cap in restrictive covenant has been mapped or undergone other verification);

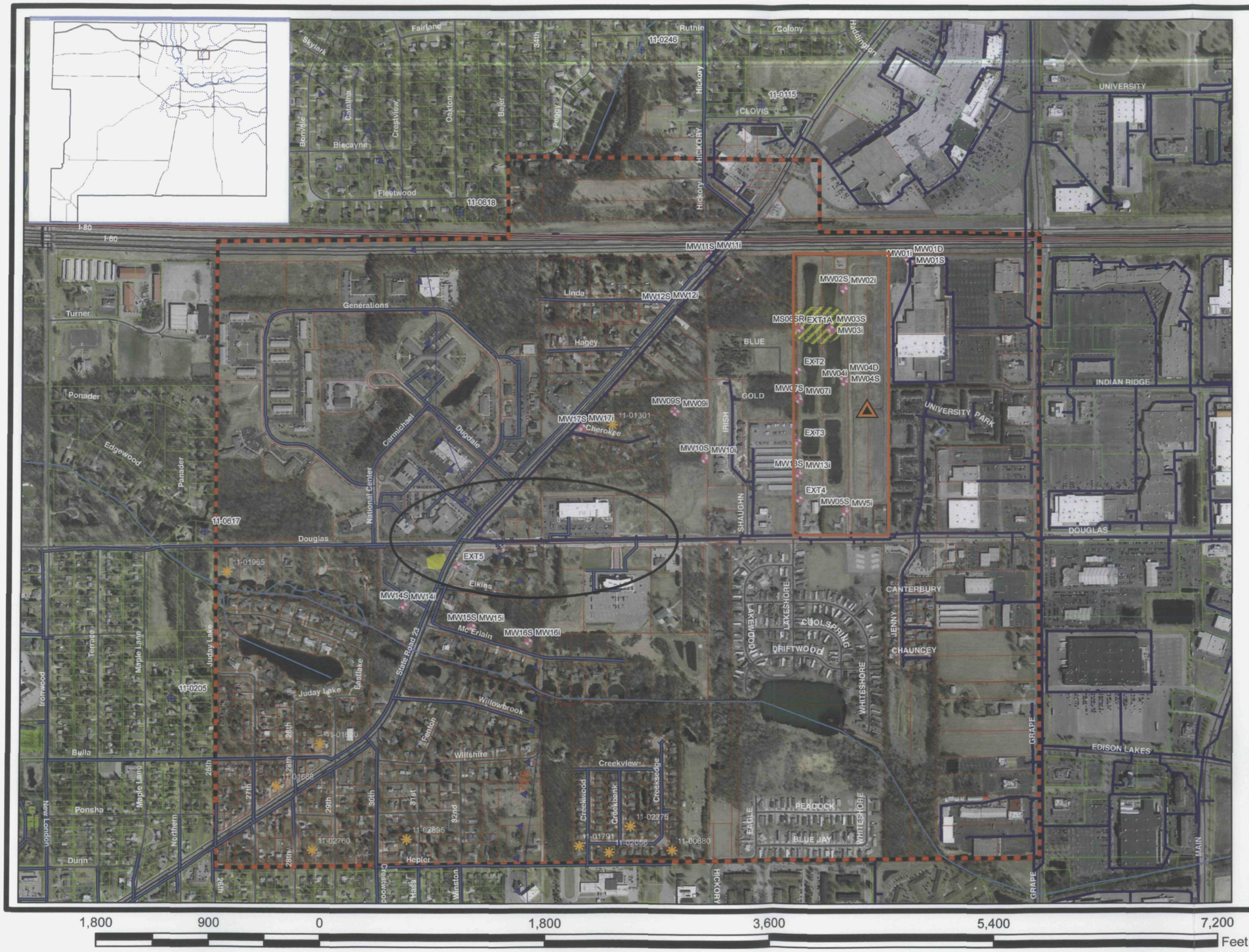
_x_ all needed land use restrictions/objectives are stated in/covered by the IC;

_x_ title work shows recording and that no other existing property rights will interfere with the site remedy or cause undue exposure (for restrictive covenants and other proprietary controls only),

_x_ there is current compliance with the land use restriction determined by a recent inspection; and

_x_ future compliance with the restrictions is expected because: a) there is a legal basis for enforcing the use restriction against current and future owners; and/or b) ORC and Superfund Branch Chiefs concur that the totality of the circumstances support the expectation of future compliance with restrictions. (Examples: UECA covenant, state solid waste deed notice in conjunction with state solid waste regulation prohibiting interference with landfill component, best available IC has been implemented such as fish consumption advisory).

Figure 1. Administrative Control Area showing current off-site MCL exceedances



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Legend

- Uniroyal Douglas Road Landfill
- ACA Boundary
- Approx. Location of TCE in Groundwater (above MCL)
- Approx. Location of Arsenic in Groundwater (above MCL)
- ACA Parcel
- Parcel (Outside ACA)
- Water Pressurized Mains
- Groundwater Elevation & Flow Direction
- SJCHD Property Transfers - 2011

SJCHD Well Permits - 2011

- Residential Replacement
- Extraction Wells or Monitoring Wells
- Area where IC's are required

Aerial Imagery: 2011 Indiana Statewide Imagery & Lidar Program

Groundwater Elevation Source:
Composite Piezometric Surface Map
Indiana DNR Report - Water Resource Availability in the St. Joseph River Basin, 1987)

Douglas Road Landfill
Administrative Control Area
ACA 0002
Annual Review 2011

Prepared By:

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ST. JOSEPH COUNTY HEALTH DEPARTMENT 1962